

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION

IN THE MATTER OF:

DAN BUCK
JENNIFER BUCK

Debtors

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CASE NO. 05-10745

DECISION AND ORDER

At Fort Wayne, Indiana, on August 26, 2005

The notice of motion and opportunity to object which debtors (hereinafter “Movant”) served in connection with their first material modification of chapter 13 plan does not comply with the requirements of N.D. Ind. L.B.R. B-2002-2 because:

- a. The notice does not correctly state the date upon which the modification was filed. N.D. Ind. L.B.R. B-2002-2(c)(2). The modification was filed on July 13, 2005, while the notice refers to a modification filed on July 12, 2005.
- b. The notice is not accompanied by a copy of the court’s order authorizing notice to creditors and establishing deadlines for filing objections. N.D. Ind. L.B.R. B-2002-2(e).
- c. The notice is not “dated as of the date it was served.” N.D. Ind. L.B.R. B-2002-2(c)(7).

Since creditors and parties in interest have not been given appropriate notice of the modification and the opportunity to object thereto, the court cannot confirm the chapter 13 plan at this time. Movant shall prepare and serve an Amended Notice of Motion and Opportunity to Object which complies with N.D. Ind. L.B.R. B-2002-2 and file proof thereto within fourteen (14) days of this date. See, N.D. Ind. L.B.R. B-9013-4(a). The failure to do so will result in confirmation of the chapter 13 plan being denied without prejudice and without further notice.

SO ORDERED.

/s/ Robert E. Grant
Judge, United States Bankruptcy Court